challenge virus provided or approved by APHIS.

(3) All chickens shall be observed until 7 weeks of age, necropsied, and examined for grossly observable lesions consistent with Marek's disease. All chickens dying before the end of the 7 week observation period shall be necropsied and evaluated for gross lesions of Marek's disease. Any chickens not so examined shall be scored as positive for Marek's disease.

(4) For a valid test, at least 80% of the chickens in group 2 must develop grossly observable lesions, none of the chickens in group 3 shall develop grossly observable lesions, and (when included) at least 20% of the chickens in group 4 must develop grossly observable lesions.

(5) For a valid test to be considered satisfactory, at least 80% of the chickens in group 1 must remain free of grossly observable lesions. the appropriate product claim resulting from a satisfactory test would be to aid in the prevention of Marek's disease, for vaccines containing only a Serotype 3 virus as the Marek's disease fraction, or to aid in the prevention of very virulent Marek's disease, for all other vaccines.

(d) *Test requirements for release.* Each serial and subserial shall meet the applicable requirements prescribed in § 113.300. The identity test required in § 113.300(c) shall be conducted in a serotype-specific manner by a method acceptable to APHIS. Final container samples of completed product shall also meet the requirements in paragraphs (d)(1), (2), and (3) of this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Purity test.* The chicken embryo inoculation test prescribed in § 113.37 shall be conducted, except that, if the test is inconclusive because of a vaccine virus override, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(2) *Safety test.* At least 25 one-day-old, specific pathogen free chickens shall be injected, by the subcutaneous route, with the equivalent of 10 chicken doses of virus (vaccine concentrated 10X). The chickens shall be observed each day for 21 days. Chickens dying during the period shall be examined, cause of death determined, and the results recorded.

(i) If at least 20 chickens do not survive the observation period, the test is inconclusive.

(ii) If lesions of any disease or cause of death are directly attributable to the vaccine, the serial is unsatisfactory.

(iii) If less than 20 chicks survive the observation period and there are no deaths or lesions attributable to the vaccine, the test may be repeated one time, *Provided,* that if the test is not repeated, the serial shall be declared unsatisfactory.

(3) *Potency test.* The samples shall be titrated using a cell culture system or other titration method acceptable to APHIS. For vaccines composed of more than one Marek's disease virus serotype, each fraction shall be titrated in a serotype-specific manner.

(i) Samples of desiccated vaccine shall be incubated at 37°C for 3 days before preparation for use in the potency test. Samples of desiccated or frozen vaccine shall be reconstituted in diluent according to the label recommendations, and held in an ice bath at 0°C to 4°C for 2 hours prior to use in the potency test.

(ii) For a serial or subserial to be eligible for release, each serotype contained in the vaccine shall have a virus titer per dose which is at least 3 times greater than the number of plaque forming units (pfu) used in the immunogenicity test prescribed in paragraph (c) of this section, but not less than 1000 pfu per dose.

(iii) When tested (without the pretest incubation of desiccated products) at any time within the expiration period, each serotype contained in the vaccine shall have a virus titer per dose which is at least 2 times the number of pfu used in the immunogenicity test, but not less than 750 pfu per dose.

Done in Washington, DC, this 28th day of April 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–11375 Filed 5–8–95; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–135–AD]

Airworthiness Directives; British Aerospace Model Viscount 744, 745D, and 810 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain British Aerospace Model Viscount 744, 745D, and 810 airplanes, that currently establishes time-in-service limits for components of the fuselage pressure vessel, and requires modifications and inspections of various fuselage components to assure the continued structural integrity of these airplanes through the manufacturer's design life goal. This action would require additional modifications and inspections of the fuselage pressure vessel to extend the fuselage pressure vessel life from 30 to 45 years since new. This proposal is prompted by results of a review of fatigue test findings, stress analysis, and in-service history associated with pressure vessel components. The actions specified by the proposed AD are intended to prevent reduced structural capability of the fuselage pressure vessel.

DATES: Comments must be received by June 20, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–135–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained

in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–135–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–135–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 30, 1978, the FAA issued AD 65–20–04, amendment 39–3138 (23 FR 5506, February 9, 1978), applicable to certain British Aerospace Model Viscount 744, 745D, and 810 airplanes. That AD establishes time-in-service limits of 30 years since new or 75,000 landings (whichever occurs first) for components of the fuselage pressure vessel. That AD also requires modifications and repetitive inspections of various fuselage components to assure the continued structural integrity of these airplanes to 30 years since new or 75,000 landings (whichever occurs first). That action was prompted by results of the manufacturer's fatigue tests, stress analysis, and in-service history associated with life-limited fuselage parts. The requirements of that AD are intended to prevent reduced structural capability of the fuselage pressure vessel.

Since the issuance of that AD, the airplane manufacturer has conducted an additional review of fatigue test results, stress analysis, and in-service experience. Results of that review have revealed that additional new modifications and repetitive inspections are necessary to ensure that the fuselage pressure vessel can maintain the continued structural integrity necessary to attain the initial time-in-service limit of 30 years since new or 75,000 landings (whichever occurs first) specified in the existing AD.

In addition, the manufacturer has developed a program for Model Viscount 744, 745D, and 810 airplanes, which involves performing new inspections and modifications, and revising the implementation times for existing requirements. Once accomplished, these actions will allow an extension of the initial time-in-service limit of 30 years or 75,000 landings (whichever occurs first) of the fuselage pressure vessel to 45 years or 75,000 landings (whichever occurs first).

British Aerospace has issued Preliminary Technical Leaflet (PTL) No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes), and PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes). These PTL's describe procedures for additional visual inspections, non-destructive testing (NDT) inspections, and modifications of the fuselage necessary to assure the continued structural integrity of the pressure vessel to the initial time-in-service limit of 30 years or 75,000 landings (whichever occurs first). These PTL's also specify compliance with two other PTL's, described below, for operation of affected airplanes beyond 30 years, but not to exceed 75,000 landings. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified PTL No. 221 and PTL No. 94 as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

British Aerospace also has issued PTL No. 320, Issue 3, dated October 1, 1993 (for Model Viscount 744 and 745D airplanes), and PTL No. 189, Issue 5, dated May 1, 1994 (for Model Viscount 810 airplanes). These PTL's specify inspections and modifications of the fuselage pressure vessel assembly, and revise the implementation times for certain existing requirements for continued operation of specific airplanes (listed in the PTL's) beyond 30 years since new. Accomplishment of the actions specified in these PTL's will allow extension of the initial time-in-service limit of the fuselage pressure vessel to 45 years or 75,000 landings (whichever occurs first).

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 65–20–04 to require additional modifications and inspections of the fuselage pressure vessel. The actions would be required to be accomplished in accordance with the PTL's described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 29 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 400 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $37,400 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,780,600, or $61,400 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this

proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–3138 (23 FR 5506, February 9, 1978), and by adding a new airworthiness directive (AD), to read as follows:

British Aerospace Regional Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited): Docket 94–NM–135–AD. Supersedes AD 65–20–04, Amendment 39–3138.

Applicability: All Model Viscount 744, 745D, and 810 airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural capability of the fuselage pressure vessel, accomplish the following:

(a) To operate the airplane for a maximum of 30 years since the date of manufacture or 75,000 total landings, whichever occurs first, accomplish the following:

(1) Perform visual, eddy current, dye penetrant, and x-ray inspections in accordance with Sections 2 through 10 of British Aerospace Preliminary Technical Leaflet (PTL) No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes); or PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes); as applicable. Perform the initial inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(2)(ii) of this AD. Thereafter, repeat these inspections at the repetitive intervals specified in the applicable PTL.

(i) Prior to the threshold specified in Sections 2 through 10 of the applicable PTL; or within the next repetitive inspection specified in Sections 2 through 10 of the applicable PTL following the immediately preceding inspection accomplished in accordance with PTL No. 221, Issue 4 (for Model Viscount 744 and 745D airplanes), or PTL No. 94, Issue 4 (for Model Viscount 810 airplanes); whichever occurs first. Or

(ii) Within 60 days after the effective date of this AD.

(2) Install the modifications specified in Sections 2 through 10 of British Aerospace PTL No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes); or PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes); as applicable. Accomplish this installation at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Prior to the accumulation of the number of equivalent flights at 6.5 pounds per square inch (psi) specified in the initial compliance columns of Sections 2 through 10 of the applicable PTL. Or

(ii) Within 60 days after the effective date of this AD.

Note 2: The number of equivalent flights at 6.5 psi is determined by using the procedure specified in Section 1, Part 6, Paragraph 6.6, of PTL No. 221 or PTL No. 94, as applicable.

(3) Modify the components of the pressurization system to reduce the cabin pressure maximum pressure setting to 3.5 psi, in accordance with Section 1, Part 7, Paragraph 7.5.2 of British Aerospace PTL No. 221, Issue 10, dated May 1, 1994 (for Model Viscount 744 and 745D airplanes); or PTL No. 94, Issue 10, dated September 1, 1993 (for Model Viscount 810 airplanes); as applicable. Accomplish this modification at the later of the times specified in paragraphs (a)(3)(i) and (a)(3)(ii) of this AD.

(i) Prior to the accumulation of 25 years since date of manufacture, or prior to the accumulation of the number of flights equivalent to 17,000 flights at 6.5 psi; whichever occurs first. Or

(ii) Within 30 days after the effective date of this AD.

(b) This paragraph is applicable only to airplanes listed in British Aerospace PTL No. 320, Issue 3, dated October 1, 1993 (for Model Viscount 744 and 745D airplanes); and PTL No. 189, Issue 5, dated May 1, 1994 (for Model Viscount 810 airplanes). To operate the airplane for a maximum of 45 years since date of manufacture or 75,000 total landings, whichever occurs first: Prior to the accumulation of 30 years since date of manufacture, or within 2 months after the effective date of this AD, whichever occurs later, perform the inspections, change the inspection times, install the modifications, and perform all other actions specified in the applicable PTL.

(c) If any crack(s) or corrosion is found during any inspection required by this AD, prior to further flight, repair in accordance with British Aerospace PTL No. 221, Issue 10, dated May 1, 1994 (for Model 744 and 745D airplanes), or PTL No. 94, Issue 10, dated September 1, 1993 (for Model 810 airplanes).

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 3, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–11357 Filed 5–8–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–107–AD]

Airworthiness Directives; British Aerospace Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.